

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE

**TOMAS DUEÑO ESPADA
MERCEDES LUFGO RODRIGUEZ**

DEBTOR (S)

CASE: 16-00470-ESL

CHAPTER 13

**MOTION AMENDING
STATEMENT FINANCIAL AFFAIRS**

TO THE HONORABLE COURT:

COME NOW debtors through its undersigned attorney and very respectfully pray and show as follows:

- 1) That the Statement of Financial Affairs needs to be amended in lines 16 & 27.
- 2) That the Statement of Financial Affairs is hereby amended and filed.

WHEREFORE the debtor very respectfully prays from the Court to allow the amended Statement of Financial Affairs in substitution of the one previously filed.

NOTICE TO CREDITORS AND PARTIES IN INTEREST

Notice is hereby given that a Motion Amending Statement Financial Affairs has been filed by Debtor.

Within FOURTEEN (14) DAYS AFTER SERVICE as evidenced by the certification, and an additional three (3) days pursuant Fed. R. Bank P. (9006) (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief or remedy sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico.

If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the court may in its discretion schedule a hearing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same date of filing a copy of this motion has been forwarded to every creditor in the master list address that do not have electronic filing records and for those who have the notification has been made by means of the CM/ECF System, including the Chapter 13 Trustee and the U.S. Trustee for the District of Puerto Rico.

In Carolina Puerto Rico this May 14, 2016.

MORENO & SOLTERO, LLC
/s/ ROSANA MORENO RODRIGUEZ
ATTORNEY FOR DEBTOR
USDC #221903
P.O. BOX 679
TRUJILLO ALTO, PR 00977
TELEPHONE: (787) 750-8160 / 8166
FAX: (787) 750-8243
rmoreno@morenosolterolaw.com

Fill in this information to identify your case:			
Debtor 1	TOMAS M. DUEÑO ESPADA		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)	MERCEDES E. LUGO RODRIGUEZ		
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: DISTRICT OF PUERTO RICO, SAN JUAN DIVISION			
Case number (if known)	16-00470		

☒ Check if this is an amended filing

Official Form 107

Statement of Financial Affairs for Individuals Filing for Bankruptcy

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Give Details About Your Marital Status and Where You Lived Before

1. What is your current marital status?

- ☒ Married
☐ Not married

2. During the last 3 years, have you lived anywhere other than where you live now?

- ☒ No
☐ Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1 Prior Address:

Dates Debtor 1 lived there

Debtor 2 Prior Address:

Dates Debtor 2 lived there

3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington and Wisconsin.)

- ☒ No
☐ Yes. Make sure you fill out *Schedule H: Your Creditors* (Official Form 106H).

Part 2: Explain the Sources of Your Income

4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities. If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- ☐ No
☒ Yes. Fill in the details.

	Debtor 1		Debtor 2	
	Sources of income Check all that apply.	Gross income (before deductions and exclusions)	Sources of income Check all that apply.	Gross income (before deductions and exclusions)
For last calendar year: (January 1 to December 31, 2015)	<input type="checkbox"/> Wages, commissions, bonuses, tips <input checked="" type="checkbox"/> Operating a business	\$0.00	<input type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	\$0.00

Debtor 1 DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ,
Debtor 2 MERCEDES E.

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	Debtor 1 Sources of income Check all that apply.	Gross income (before deductions and exclusions)	Debtor 2 Sources of income Check all that apply.	Gross income (before deductions and exclusions)
	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$1.00	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$1.00
	<input type="checkbox"/> Operating a business		<input type="checkbox"/> Operating a business	
For the calendar year before that: (January 1 to December 31, 2014)	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$298,570.00	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$0.00
	<input checked="" type="checkbox"/> Operating a business		<input type="checkbox"/> Operating a business	
	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$20,413.00	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$18,141.00
	<input type="checkbox"/> Operating a business		<input type="checkbox"/> Operating a business	
For the calendar year: (January 1 to December 31, 2013)	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$198,962.00	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$0.00
	<input checked="" type="checkbox"/> Operating a business		<input type="checkbox"/> Operating a business	
	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$1.00	<input type="checkbox"/> Wages, commissions, bonuses, tips	\$1.00
	<input type="checkbox"/> Operating a business		<input type="checkbox"/> Operating a business	

5. Did you receive any other income during this year or the two previous calendar years?

Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security, unemployment, and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

- ☐ No
☒ Yes. Fill in the details.

	Debtor 1 Sources of income Describe below.	Gross income from each source (before deductions and exclusions)	Debtor 2 Sources of income Describe below.	Gross income (before deductions and exclusions)
For last calendar year: (January 1 to December 31, 2015)	RENT 2015	\$0.00		
For the calendar year before that: (January 1 to December 31, 2014)	RENT 2014	\$0.00		
For the calendar year: (January 1 to December 31, 2013)	RENT 2013	\$0.00		

Part 3: List Certain Payments You Made Before You Filed for Bankruptcy

6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?

- ☐ No. Neither Debtor 1 nor Debtor 2 has primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,425* or more?

- ☐ No. Go to line 7.

Debtor 1 **DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ,**
Debtor 2 **MERCEDES E.**

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- ☐ Yes List below each creditor to whom you paid a total of \$6,425* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

* Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.

- ☒ Yes. Debtor 1 or Debtor 2 or both have primarily consumer debts.

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?

- ☒ No. Go to line 7.

- ☐ Yes List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

Creditor's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Was this payment for ...
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7. Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?

Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.

- ☒ No

- ☐ Yes. List all payments to an insider.

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
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8. Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?

Include payments on debts guaranteed or cosigned by an insider.

- ☒ No

- ☐ Yes. List all payments to an insider

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
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Part 4: Identify Legal Actions, Repossessions, and Foreclosures

9. Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?

List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

- ☐ No

- ☒ Yes. Fill in the details.

Case title Case number	Nature of the case	Court or agency	Status of the case
BAUTISTA REO CORP. VS DEBTORS CIVIL CASE KCD2009-4277	FORECLOSURE	SUPERIOR COURT IN SAN JUAN	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded LCDO. NICOLAS QUIÑONES CASTRILLO PO BOX 195389 SAN JUAN PR 00919-5389

BPPR VS DEBTORS CIVIL CASE KCD2009-3379	FORECLOSURE	SUPERIOR COURT IN SAN JUAN	<input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded LCDA. NATHALIA M RIVERA PO BOX 192938 SAN JUAN PR 00919-2938
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Debtor 1 **DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ,**
Debtor 2 **MERCEDES E.**

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10. Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied? Check all that apply and fill in the details below.

- ☒ No. Go to line 11.
☐ Yes. Fill in the information below.

Creditor Name and Address	Describe the Property	Date	Value of the property
Explain what happened			

11. Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?

- ☒ No
☐ Yes. Fill in the details.

Creditor Name and Address	Describe the action the creditor took	Date action was taken	Amount
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12. Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?

- ☒ No
☐ Yes

Part 5: List Certain Gifts and Contributions

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- ☒ No
☐ Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
Person to Whom You Gave the Gift and Address:			

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- ☒ No
☐ Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities that total more than \$600	Describe what you contributed	Dates you contributed	Value
Charity's Name			
Address (Number, Street, City, State and ZIP Code)			

Part 6: List Certain Losses

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

- ☒ No
☐ Yes. Fill in the details.

Describe the property you lost and how the loss occurred	Describe any insurance coverage for the loss	Date of your loss	Value of property lost
Include the amount that insurance has paid. List pending insurance claims on line 33 of <i>Schedule A/B: Property</i> .			

Part 7: List Certain Payments or Transfers

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?

Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- ☐ No
☒ Yes. Fill in the details.

Person Who Was Paid	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Address			
Email or website address			
Person Who Made the Payment, if Not You			

Debtor 1 DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ,
Debtor 2 MERCEDES E.

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Person Who Was Paid Address Email or website address Person Who Made the Payment, if Not You	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
MORENO & SOLTERO, LLC PO BOX 679 TRUJILLO ALTO, PR 00977-0679	FILING FEES \$310.0 OUNSELING CONSUMER CREDIT \$14.95 PAID DIRECT TO ENTITY.	JANUARY 2016	\$0.00

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?
Do not include any payment or transfer that you listed on line 16.

- ☒ No
☐ Yes. Fill in the details.

Person Who Was Paid Address	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
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18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?
Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

- ☒ No
☐ Yes. Fill in the details.

Person Who Received Transfer Address	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Person's relationship to you			

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- ☒ No
☐ Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date Transfer was made
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Part 8: List of Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?
Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- ☒ No
☐ Yes. Fill in the details.

Name of Financial Institution and Address (Number, Street, City, State and ZIP Code)	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
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21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- ☒ No
☐ Yes. Fill in the details.

Name of Financial Institution Address (Number, Street, City, State and ZIP Code)	Who else had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
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Debtor 1 DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ,
Debtor 2 MERCEDES E.

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22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- ☒ No
☐ Yes. Fill in the details.

Name of Storage Facility
Address (Number, Street, City, State and ZIP Code)

Who else has or had access
to it?
Address (Number, Street, City, State
and ZIP Code)

Describe the contents

Do you still
have it?

Part 9: Identify Property You Hold or Control for Someone Else

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

- ☒ No
☐ Yes. Fill in the details.

Owner's Name
Address (Number, Street, City, State and ZIP Code)

Where is the property?
(Number, Street, City, State and ZIP
Code)

Describe the property

Value

Part 10: Give Details About Environmental Information

For the purpose of Part 10, the following definitions apply:

- ☒ *Environmental law* means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- ☒ *Site* means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- ☒ *Hazardous material* means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

- ☒ No
☐ Yes. Fill in the details.

Name of site
Address (Number, Street, City, State and ZIP Code)

Governmental unit
Address (Number, Street, City, State and
ZIP Code)

Environmental law, if you
know it

Date of notice

25. Have you notified any governmental unit of any release of hazardous material?

- ☒ No
☐ Yes. Fill in the details.

Name of site
Address (Number, Street, City, State and ZIP Code)

Governmental unit
Address (Number, Street, City, State and
ZIP Code)

Environmental law, if you
know it

Date of notice

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- ☒ No
☐ Yes. Fill in the details.

Case Title
Case Number

Court or agency
Name
Address (Number, Street, City, State
and ZIP Code)

Nature of the case

Status of the
case

Part 11: Give Details About Your Business or Connections to Any Business

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- ☐ A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
☐ A member of a limited liability company (LLC) or limited liability partnership (LLP)

Debtor 1 DUEÑO ESPADA, TOMAS M. & LUGO RODRIGUEZ,
Debtor 2 MERCEDES E.

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- ☐ A partner in a partnership
- ☐ An officer, director, or managing executive of a corporation
- ☐ An owner of at least 5% of the voting or equity securities of a corporation
- ☐ No. None of the above applies. Go to Part 12.

☒ Yes. Check all that apply above and fill in the details below for each business.

Business Name
Address
(Number, Street, City, State and ZIP Code)

Describe the nature of the business
Name of accountant or bookkeeper

Employer Identification number
Do not include Social Security number or ITIN.

T.D. IRON WORKS, CORP.
352 SAN CLAUDIO AVE.
SAN JUAN, PR 00926-4117

IRON RELATED
MANUFACTURING

Dates business existed
EIN:

From-To BUSINESS HAS BEEN RUNNING
FOR AT LEAST 7 TO 8 YEARS.

PUEBLO SECO, INC.

to be disclosed

EIN:

From-To BUSINESS HAS BEEN RUNNING
FROM FEB 2015 TO PRESENT

MASTER METAL, INC

To be disclosed

EIN:

From-To NEVER OPERATED

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

- ☒ No
- ☐ Yes. Fill in the details below.

Name
Address
(Number, Street, City, State and ZIP Code)

Date Issued

Part 12: Sign Below

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ TOMAS M. DUEÑO ESPADA
TOMAS M. DUEÑO ESPADA
Signature of Debtor 1

/s/ MERCEDES E. LUGO RODRIGUEZ
MERCEDES E. LUGO RODRIGUEZ
Signature of Debtor 2

Date May 14, 2016

Date May 14, 2016

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?

- ☒ No
- ☐ Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

- ☒ No
- ☐ Yes. Name of Person _____. Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

ADVANCE COLLECTION SERVICES, INC.
PO BOX 364607
SAN JUAN, PR 00936-4607

ATT
ONE AT&T WAY, ROOM 3A104
BEDMINSTER, NJ 07921

BANCO POPULAR DE PR
PO BOX 70100 CARD PRODUCTS DIVISION
SAN JUAN, PR 00936

BANCO POPULAR DE PR
MORTGAGE SERVICING DEPARTMENT
PO BOX 362708
SAN JUAN, PR 00936-2708

BANCO POPULAR DE PUERTO RICO
PO BOX 366818 BANKRUPTCY DEPARTMENT
SAN JUAN, PR 00936-6818

BAUTISTA CAYMAN ASSET COMPANY
CAPITAL CROSSING PUERTO RICO LLC
221 AVE. PONCE DE LEON 221 PLAZA
HATO REY, PR 00918

CICA COLLECTION AGENCY, INC.
PO BOX 12338
SAN JUAN, PR 00914-0338

CITIFINANCIAL
PO BOX 70919
CHARLOTTE, NC 28272-0919

COLLECTION & MANAGEMENT ASSISTANCE INC.
239 ARTERIAL HOSTOS AVE SUITE 1102
CAPITAL CENTER, SOUTH TOWER
SAN JUAN, PR 00918-1477

CRIM
PO BOX 195387
SAN JUAN, PR 00919-5387

DEPARTAMENTO DE HACIENDA
CAPITOL CENTER TORRE NORTE SUITE 1504
235 AVE. ARTERIAL HOSTOS
SAN JUAN, PR 00918-1454

DTOP
PO BOX 41243
DIRECTORIA DE SERVICIOS AL CONDUCTOR
SAN JUAN, PR 00940-1243

FIRST BANK DE PR
PO BOX 8318 DEPARTAMENTO DE HIPOTECAS
SAN JUAN, PR 00910-0318

IRS
PO BOX 7346
PHILADELPHIA, PA 19101-7346

LCDO. NICOLAS QUIÑONES CASTRILLO
PO BOX 195389 ATTORNEY OF DORAL BANK
SAN JUAN, PR 00919-5389

MIDLAND FUNDING LLC
BY AMERICAN INFOSOURCE LP AS AGENTE O B
HOUSTON, TX 77210-4457

MIDLAND FUNDING LLC
BY AMERICAN INFOSOURCE LP AS AGENT
PO Box 4457
Houston, TX 77210-4457

MUNICIPALITY SAN JUAN
SAN JUAN P.O. BOX 70179
PR, PR 00936-8179

NW MANAGEMENT GROUP INC
URB EL CEREZAL CALLE PARANA #1650
SAN JUAN, PR 00926

POPULAR AUTO
PO BOX 366818
SAN JUAN, PR 00936-6818

PR ACQUISITIONS, LLC
PO BOX 194499
SAN JUAN, PR 00919-4499

RUSHMORE LOAN MANAGEMENT SERVICES
PO BOX 11907
SAN JUAN, PR 00922

TOYOTA CREDIT DE PR
PO BOX 366251
SAN JUAN, PR 00936